



PCT #3

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of  
Luca Poppi et al.

Application No.: 10/502,398

Filing Date: July 26, 2004

Title: DEVICE FOR TREATING A PACKAGING MATERIAL BY MEANS OF UV IRRADIATION

Group Art Unit: Unassigned

Examiner: Unassigned

Confirmation No.: Unassigned

SECOND  
INFORMATION DISCLOSURE STATEMENT  
TRANSMITTAL LETTER

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Enclosed is a SECOND Information Disclosure Statement and accompanying form PTO-1449 for the above-identified patent application.

- ☒ No additional fee for submission of an IDS is required.
- ☐ The fee of \$180.00 (1806) as set forth in 37 C.F.R. § 1.17(p) is also enclosed.
- ☐ A statement under 37 C.F.R. § 1.97(e) is also enclosed.
- ☐ A statement under 37 C.F.R. § 1.97(e), and the fee of \$180.00 (1806) as set forth in 37 C.F.R. § 1.17(p) are also enclosed.
- ☐ Charge \_\_\_\_\_ to Deposit Account No. 02-4800 for the fee due.
- ☐ A check in the amount of \_\_\_\_\_ is enclosed for the fee due.
- ☐ Charge \_\_\_\_\_ to credit card. Form PTO-2038 is attached.

The Director is hereby authorized to charge any appropriate fees under 37 C.F.R. §§ 1.16, 1.17 and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800. This paper is submitted in duplicate.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

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By Kevin B. McGoff  
Kevin B. McGoff  
Registration No. 53,297

Date: October 5, 2004



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of	)	
Luca Poppi et al.	)	Group Art Unit: Unassigned
Application No.: 10/502,398	)	Examiner: Unassigned
Filed: July 26, 2004	)	Confirmation No.: Unassigned
For: DEVICE FOR TREATING A	)	
PACKAGING MATERIAL BY MEANS	)	
OF UV IRRADIATION	)	

**SECOND INFORMATION DISCLOSURE STATEMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In accordance with the duty of disclosure as set forth in 37 C.F.R. § 1.56, the accompanying information is being submitted in accordance with 37 C.F.R. §§ 1.97 and 1.98.

Copies of the listed U.S. patents and U.S. patent application publications are not enclosed since it is no longer required according to the July 11, 2003 waiver of the requirement for copies of cited U.S. patents and U.S. patent application publications in national patent applications filed after June 30, 2003 and international applications entering the national stage under 35 U.S.C. § 371 after June 30, 2003.

Copies of WO 97/35768, EP 0 919 246 B1, JP 62-4038, and EP 361 858 are enclosed. Also enclosed are copies of RUTHERFORD et al., "Method to sensitize bacterial spores to subsequent killing by dry heat or ultraviolet irradiation", Journal of Microbiological Methods, 2000, pp. 281-90, Vol. 42, Elsevier Biomedical, Amsterdam, Holland; REIDMILLER et al., "Characterization of UV-Peroxide Killing of Bacterial Spores", Journal of Food Protection, 2003, pp. 1233-40, Vol. 66, No. 7, New York, New York, BAGYAN et al., "The katX Gene, Which Codes for the Catalase in Spores of *Bacillus subtilis*, Is a Forespore-Specific Gene Controlled by  $\sigma^{oF}$ , and KatX Is Essential for Hydrogen Peroxide Resistance of

the Germinating Spore", Journal of Bacteriology, 1998, pp. 2057-62, Vol. 180, No. 8, American Society for Microbiology, Washington, D.C., BAYLISS, et al., "The Combined Effect of Hydrogen Peroxide and Ultraviolet Irradiation on Bacterial Spores", Journal of Applied Bacteriology, 1979, pp. 263-69, Vol. 47, American Society for Microbiology, Washington, D.C., and BAYLISS et al., "The synergistic killing of spores of *Bacillus Subtilis* by Hydrogen Peroxide and UltraViolet Light Irradiation, "FEMS Microbiology Letters, 1979, pp. 331-33, Vol. 5, Elsevier Science Publishers, Amsterdam, Holland & New York.

This information is being submitted within three (3) months of the filing or entry of the national stage of this application or before the first Office Action on the merits, whichever is later. Since these documents are being filed within the time period set forth in 37 C.F.R. § 1.97(b), no fee or statement is required.

To assist the Examiner, the documents are listed on the attached form PTO-1449. It is respectfully requested that an Examiner initialed copy of this form be returned to the undersigned.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

Date October 5, 2004

By: Kevin B. McGoff  
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# **SECOND INFORMATION DISCLOSURE STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Sheet

1

of

2

Application Number

10,398

Filing Date

July 26, 2004

First Named Inventor

Luca Poppi et al.

Examiner Name

Attorney Docket Number

034170-023

## **U.S. PATENT DOCUMENTS**

Examiner Initials	Document Number	Kind Code (if known)	Name of Patentee or Applicant of Cited Document	Issue/Publication Date (MM-DD-YYYY)
	3,994,686		Rauser et al.	11-30-1976
	4,305,000		Cheever	12-08-1981
	5,326,542		Sizer et al.	07-05-1994
	5,433,920		Sizer et al.	07-18-1995
	5,451,367		Stack et al.	09-19-1995
	6,145,276		Palm et al.	11-14-2000
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	5,433,920		Sizer et al.	07-18-1995
	5,547,635		Duthie, Jr.	08-20-1996

## **FOREIGN PATENT DOCUMENTS**

Examiner Initials	Document Number	Kind Code (if known)	Country	Date of Publication (MM-DD-YYYY)	STATUS						
					Translation	Partial Translation	Eng. Lang. Summary	Search Report	IPER	Abstract	Cited in Spec
	EP 361 858	A1	EPO	04-04-1990							
	WO 97/35768		WIPO	10-02-1997							
	JP 62-4038		Japan	01-10-1987							
	0 919 246	B1	Europe	04-24-2002							

Examiner Signature

Date

Considered

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with M.P.E.P. § 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.

**SECOND  
INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Sheet	2	of	2	Application Number	10,000,398
				Filing Date	July 26, 2004
				First Named Inventor	Luca Poppi et al.
				Examiner Name	
				Attorney Docket Number	034170-023

**NON-PATENT LITERATURE DOCUMENTS**

Examiner Initials	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.
	Japanese Abstract JP2004621; "Container Conveying Method and Apparatus in Aseptic Packaging Machine," January 9, 1990, Snow Brand Milk Prod. Co., Ltd.
	Database WPI; Section Ch, Week 8707; Derwent Publications Ltd., London, GB; XP002061293 & JP 62 004038 A (DAI NIPPON PRINTING CO. LTD.); January 10, 1987.
	RUTHERFORD et al., "Method to sensitize bacterial spores to subsequent killing by dry heat or ultraviolet irradiation", Journal of Microbiological Methods, 2000, pp. 281-90, Vol. 42, Elsevier Biomedical, Amsterdam, Holland.
	REIDMILLER et al., "Characterization of UV-Peroxide Killing of Bacterial Spores", Journal of Food Protection, 2003, pp. 1233-40, Vol. 66, No. 7, New York, New York.
	BAGYAN et al., "The katX Gene, Which Codes for the Catalase in Spores of <i>Bacillus subtilis</i> , Is a Forespore-Specific Gene Controlled by $\sigma^{of}$ , and KatX Is Essential for Hydrogen Peroxide Resistance of the Germinating Spore", Journal of Bacteriology, 1998, pp. 2057-62, Vol. 180, No. 8, American Society for Microbiology, Washington, D.C.
	BAYLISS, et al., "The Combined Effect of Hydrogen Peroxide and Ultraviolet Irradiation on Bacterial Spores", Journal of Applied Bacteriology, 1979, pp. 263-69, Vol. 47, American Society for Microbiology, Washington, D.C.
	BAYLISS et al., "The synergistic killing of spores of <i>Bacillus Subtilis</i> by Hydrogen Peroxide and UltraViolet Light Irradiation", FEMS Microbiology Letters, 1979, pp. 331-33, Vol. 5, Elsevier Science Publishers, Amsterdam, Holland & New York.

Examiner  
SignatureDate  
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